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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,643	10/29/2003	Timothy P. Michel	0212.66836	7780
24978	7590	05/22/2006	EXAMINER	
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			PETERSON, KENNETH E	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/696,643

Applicant(s)

MICHEL ET AL.

Examiner

Kenneth E. Peterson

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 4,7-12,15,17,18,21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,13,14,16,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3724

1. It is noted that claim 13 is labeled “currently amended”, but that no amendment as occurred. Claims 4,7-12,15,17,18,21 and 22 should have been labeled “withdrawn”.

2. Claim 13 is objected to for incongruent titling. The claim title is “A scroll collar assembly *for use with* a reciprocating tool”, but the body of the claim recites a scroll collar *in combination with* a reciprocating tool. Correction is required.

3. Claims 13,14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Phillips et al. '645, who shows a saw with all of the recited limitations including a support structure (e.g. 130) and a cylindrical scroll collar (adjacent portion of 150) having a resistance O-ring (153).

4. Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Albrightson '339, who shows a saw with all of the recited limitations including a support structure (e.g. 51) and a cylindrical scroll collar (e.g. 13).

5. Claims 1,3,13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Pioch '675, who shows a reciprocating hammer drill (lies 24,25, column 1) with all of the recited limitation including;

A reciprocating tool blade (hammer drill bit, which reciprocates to break concrete as it drills). A drill intrinsically has a housing and a working end with a support structure.

A generally cylindrical scroll collar (36,38) which can rotate relative to both the blade and the housing.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3,13,14,19 and 20 are rejected under 35 U.S.C. 103(a).

It is well known for drills to have generally cylindrical collars rotatable around their gear housings. For example, see the patents to Pioch '675, Ginter '659 and Biek '282, and there are dozens of other occurrences of this in the patent database. It is also well known for drills to become reciprocating saws. For example, see the patent to Bourke '293, and there are many other patents that show this feature. It would have been obvious to one of ordinary skill in the art to have modified the likes of Pioch or Ginter or Biek by providing the reciprocating saw conversion of the likes of Bourke, in order to be able to saw things without having to carry around a separate reciprocating saw.

8. Claims 5,6 and 16 are rejected under 35 U.S.C. 103(a).

The rejections set forth in paragraphs 5 and 7 above lack a resistance O-ring between the collar and the support structure. Examiner takes Official Notice that it is old and well known to employ resistance O-rings between two such objects. An

example of this is the patent to Phillips et al.'645 (153). It would have been obvious to one of ordinary skill in the art to have further modified the rejections set forth in paragraphs 5 and 7 above by adding a resistance O-ring between the collar and the support structure, as taught by Phillips, in order to prevent loose rotation and to compensate for manufacturing tolerances.


9. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 571-272-4512. The examiner can normally be reached Mon-Thurs, 7:30AM-5PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KP  
May 17, 2006



KENNETH E. PETERSON  
PRIMARY EXAMINER